

1 **WATSON ROUNDS**

2 Michael D. Rounds, Esq. (NV Bar No. 4734)
3 Email: mrounds@watsonrounds.com
4 Adam P. McMillen, Esq. (NV Bar No. 10678)
5 Email: amcmillen@watsonrounds.com
6 Adam Yowell, Esq. (NV Bar No. 11748)
7 Email: ayowell@watsonrounds.com
8 5371 Kietzke Lane
9 Reno, Nevada 89511
10 Telephone: (775) 324-4100
11 Facsimile: (775) 333-8171

12 **BANNER & WITCOFF, LTD.**

13 Charles W. Shifley (IL Bar No. 2587564)
14 (Admitted *pro hac vice*)
15 Email: cshifley@bannerwitcoff.com
16 Binal J. Patel (IL Bar No. 6237843)
17 (Admitted *pro hac vice*)
18 Email: bpatel@bannerwitcoff.com
19 Timothy J. Rechtien (IL Bar No. 6293623)
20 (Admitted *pro hac vice*)
21 Email: trechtien@bannerwitcoff.com
22 Eric J. Hamp (IL Bar No. 6306101)
23 (Admitted *pro hac vice*)
24 Email: ehamp@bannerwitcoff.com
25 Ten South Wacker Drive, Suite 3000
26 Chicago, Illinois 60606-7407
27 Telephone: (312) 463-5000
28 Facsimile: (312) 463-5001

1 *Attorneys for Plaintiffs ESCO Corporation
2 and ESCO Canada, Ltd.*

3 **TOUTON LAW, LLC.**

4 Todd M. Touton (NV Bar No. 1744)
5 Email: toddtouton@gmail.com
6 9909 Cozy Glen
7 Las Vegas, Nevada 89117
8 Telephone: 702-286-8353

9 **BAKER & HOSTETLER LLP**

10 Robert G. Abrams
11 (Admitted *pro hac vice*)
12 Email: rabrams@bakerlaw.com
13 Gregory J. Commins, Jr.
14 (Admitted *pro hac vice*)
15 Email: gcommmins@bakerlaw.com
16 1050 Connecticut Ave., N.W., Suite 1100
17 Washington, DC 20036
18 Telephone: (202) 861-1500
19 Facsimile: (202) 861-1783

20 *Attorneys for Caterpillar Inc., Caterpillar
21 Global Mining LLC, and Cashman
22 Equipment Company*

23 **GORDON SILVER**

24 John L. Krieger (NV Bar No. 6023)
25 Email: jkrieger@gordonsilver.com
26 Joel Z. Schwarz (NV Bar No. 9181)
27 Email: jschwarz@gordonsilver.com
28 3960 Howard Hughes Parkway, 9th Fl.
 Las Vegas, Nevada 89169-0961
 Telephone: (702) 796-5555
 Facsimile: (702) 369-2666

1 *Attorneys for Raptor Mining Products (USA)
2 Inc. and Raptor Mining Products Inc.*

3 **UNITED STATES DISTRICT COURT**

4 **DISTRICT OF NEVADA**

5 ESCO CORPORATION and ESCO
6 CANADA, LTD.

7 Plaintiffs,

8 v.

9 CASHMAN EQUIPMENT COMPANY,
10 CATERPILLAR GLOBAL MINING LLC,

11 Case No.: 2:12-cv-01545-RCJ-NJK

12 **STIPULATION AND [PROPOSED ORDER]
13 FOR EXTENSION TO RESPOND TO
14 PLAINTIFFS' MOTIONS:**

- 15 1) **TO DISMISS DEFENDANTS'
16 COUNTERCLAIMS [DKT 160];**

1 CATERPILLAR INC., RAPTOR MINING
 2 PRODUCTS (USA) INC., and RAPTOR
 3 MINING PRODUCTS INC.

4 Defendants.
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- 2) **TO STRIKE DEFENDANTS' AFFIRMATIVE DEFENSES RELATING TO INEQUITABLE CONDUCT [DKT 164];**
- 3) **TO SEVER AND STAY THE REMAINING COUNTERCLAIMS AND AFFIRMATIVE DEFENSES [DKT 165]; AND**
- 4) **TO STAY REMAINING COUNTERCLAIMS AND AFFIRMATIVE DEFENSES RELATING TO ANTITRUST AND MISUSE [DKT 166]**

9 **(Second Request)**
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Plaintiffs/Counter-defendants ESCO Corporation and ESCO Canada Ltd. (collectively, "Plaintiffs") and Defendants/Counterclaimants Cashman Equipment Co., Caterpillar Global Mining LLC, Caterpillar Inc. (together, the "Caterpillar Parties"), and Defendant/Counter-claimant Raptor Mining Products, Inc. and Defendant Raptor Mining Products (USA) Inc. and (together, the "Raptor Parties," and collectively with the Caterpillar Parties, the "Defendants"), by and through their respective legal counsel, HEREBY STIPULATE AND AGREE to allow Defendants two additional weeks to respond to Plaintiffs' Motion to: (1) Dismiss Defendants' Counterclaims and Strike Defendants' Affirmative Defenses Relating to Inequitable Conduct; and (2) Sever and Stay the Remaining Counterclaims and Affirmative Defenses Relating to Antitrust and Misuse (the "Motions") [Dkt. Nos. 160 and 164-166], making their oppositions due **June 22, 2015.**

In support of this Stipulation, the Raptor Parties state:

1. Pursuant to a Joint Stipulation and Order [Dkt. No. 168], the current deadline for Defendants to oppose the Motions, originally filed on May 13, 2015 and re-filed on May 14, 2015, is June 8, 2015.

2. John Krieger, Esq. and Joel Z. Schwarz, Esq., counsel of record for the Raptor Parties, are joining the law firm of Dickinson Wright, PLLC effective June 8, 2015 and their current firm, Gordon Silver, is winding down operations and re-locating its document storage

1 and email servers from June 5, 2015 through June 8, 2015, during which time counsel will not
2 have access to the file in this matter.

3. To accommodate the re-location of the Raptor Parties' counsel, Plaintiffs have
4 agreed to allow Defendants two additional weeks to respond to the Motions.

5. The parties previously stipulated to a one-week extension of Defendants'
6 opposition deadline.

7. There is good cause for this stipulation, as set forth above, and this extension is
8 not requested for any improper purpose or delay.

9 DATED: June 4, 2015.

10 /s/ Binal J. Patel

11 **WATSON ROUNDS**

12 Michael D. Rounds, Esq. (NV Bar No. 4734)
Adam P. McMillen, Esq. (NV Bar No. 10678)
Adam Yowell, Esq. (NV Bar No. 11748)
5371 Kietzke Lane
Reno, Nevada 89511

15 **BANNER & WITCOFF, LTD.**

16 Charles W. Shifley (IL. Bar No. 2587564)
(*pro hac vice* Admitted)
Binal J. Patel (IL. Bar No. 6237843)
(*pro hac vice* Admitted)
Timothy J. Rechtien (IL. Bar No. 6293623)
(*pro hac vice* Admitted)
Ten South Wacker Drive, Suite 3000
Chicago, Illinois 60606-7407

20 **Attorneys for Plaintiffs ESCO Corporation
and ESCO Canada, Ltd.**

17 /s/ Gregory J. Commins

18 **TOUTON LAW, LLC.**

19 Todd M. Touton (NV Bar No. 1744)
9909 Cozy Glen
Las Vegas, Nevada 89117

20 **BAKER & HOSTETLER LLP**

21 Robert G. Abrams (*pro hac vice*)
Gregory J. Commins, Jr. (*pro hac vice*)
1050 Connecticut Ave., N.W., Suite 1100
Washington, DC 20036

22 **Attorneys for Caterpillar Inc., Caterpillar
Global Mining LLC, and Cashman
Equipment Company**

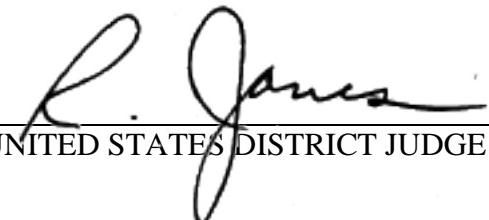
25 /s/ John L. Krieger

26 **GORDON SILVER**

27 John L. Krieger (Nevada Bar No. 6023)
Joel Z. Schwarz (Nevada Bar No. 9181)
3960 Howard Hughes Parkway, 9th Fl.
Las Vegas, NV 89169-0961

28 **Attorneys for Raptor Mining Products (USA)
Inc. and Raptor Mining Products Inc.**

25 IT IS SO ORDERED this 5th day of June, 2015.

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UNITED STATES DISTRICT JUDGE